

Dino J. Lombardi, Esq.  
Lombardi & Salerno PLLC  
52 Duane Street, 7<sup>th</sup> Floor  
New York, New York 10007  
(212) 619-8328  
*Attorneys for Defendants*

UNITED STATES DISTRICT COURT .  
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS PENSION FUND, NEW YORK CITY  
DISTRICT COUNCIL OF CARPENTERS WELFARE  
FUND, NEW YORK CITY DISTRICT COUNCIL OF  
CARPENTERS ANNUITY FUND, and NEW YORK  
CITY DISTRICT COUNCIL OF CARPENTERS  
APPRENTICESHIP, JOURNEYMAN RETRAINING,  
EDUCATIONAL AND INDUSTRY FUND, BY THEIR  
TRUSTEES FRANK SPENCER, DOUGLAS J.  
McCARRON, JOHN BALLANTYNE, PAUL TYZNAR,  
PAUL O'BRIEN, KEVIN M. O'CALLAGHAN,  
CATHERINE CONDON, DAVID MEBERG, BRYAN  
WINTER, and JOHN DeLOLLIS,

Civil Action No.:  
11 Civ. 5474 (LBS)  
ECF Case

**ANSWER**

Plaintiffs,

-against-

MICHAEL FORDE, JOHN GREANEY, JOSEPH  
OLIVIERI, BRIAN HAYES, MICHAEL MITCHELL,  
FINBAR O'NEILL, K.A.F.C.I., MICHAEL BRENNAN,  
TURBO ENTERPRISES, INC., TERENCE BUCKLEY,  
PITCOHN CONSTRUCTION ENTERPRISES, INC.,  
GERARD McENTEE, PYRAMID ASSOCIATES  
CONSTRUCTION CORP., JAMES DUFFY, EMB  
CONTRACTING CORP., MICHAEL BATALIAS,  
ELISAVET BATALIAS, MATTHEW KELLEHER,  
BRIAN CARSON, JOSEPH RUOCCO, JOHN  
STAMBERGER, and MICHAEL VIVENZIO,

Defendants.

-----X

Defendant, MICHAEL FORDE ("Forde"), by his attorneys, LOMBARDI &

SALERNO PLLC, hereby answers the First Amended Complaint in this matter as follows:

1. Deny that the allegations in paragraph 1 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except deny that Plaintiffs are entitled to recover from Defendants.

2. Deny that the allegations in paragraph 2 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except deny that the State law claims survive preemption under ERISA § 514(a) and 29 USC § 1144(a) and that Plaintiffs are entitled to recover from Defendants.

3. Deny that the allegations in paragraph 3 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admit that this Court has subject matter jurisdiction herein.

4. Deny that the allegations in paragraph 4 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admit that venue is proper in this district.

5. Deny that the allegations in paragraph 5 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

6. Deny that the allegations in paragraph 6 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

7. Deny that the allegations in paragraph 7 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

8. Deny that the allegations in paragraph 8 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

9. Deny that the allegations in paragraph 9 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

10. Deny that the allegations in paragraph 10 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

11. Deny that the allegations in paragraph 11 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admit that Forde was the Executive Secretary-Treasurer of the District Council and a trustee of the Funds from approximately 2000 to approximately August 2009.

12. Admit the allegations contained in paragraph 12 of the Complaint.

13. Deny that the allegations in paragraph 13 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, admit that Forde is currently receiving a monthly benefit from the Pension Fund and deny knowledge or information sufficient to form a belief as to the truth of the remaining allegations therein.

14. Deny that the allegations in paragraph 14 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

15. Deny that the allegations in paragraph 15 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

16. Deny that the allegations in paragraph 16 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

17. Deny that the allegations in paragraph 17 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

18. Deny that the allegations in paragraph 18 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

19. Deny that the allegations in paragraph 19 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

20. Deny that the allegations in paragraph 20 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

21. Deny that the allegations in paragraph 21 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

22. Deny that the allegations in paragraph 22 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

23. Deny that the allegations in paragraph 23 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

24. Deny that the allegations in paragraph 24 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

25. Deny that the allegations in paragraph 25 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

26. Deny that the allegations in paragraph 26 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

27. Deny that the allegations in paragraph 27 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

28. Deny that the allegations in paragraph 28 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

29. Deny that the allegations in paragraph 29 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

30. Deny that the allegations in paragraph 30 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

31. Deny that the allegations in paragraph 31 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

32. Deny that the allegations in paragraph 32 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

33. Deny that the allegations in paragraph 33 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

34. Deny that the allegations in paragraph 34 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

35. Deny that the allegations in paragraph 35 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

36. Deny the allegations in paragraph 36 of the Complaint.

37. Deny the allegations in paragraph 37 of the Complaint.

38. Deny that the allegations in paragraph 38 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

39. Deny that the allegations in paragraph 39 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

40. Deny that the allegations in paragraph 40 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

41. Deny that the allegations in paragraph 41 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

42. Deny that the allegations in paragraph 42 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

43. Deny that the allegations in paragraph 43 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

44. Deny that the allegations in paragraph 44 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

45. Deny that the allegations in paragraph 45 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

46. Deny that the allegations in paragraph 46 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

47. Deny that the allegations in paragraph 47 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

48. Deny that the allegations in paragraph 48 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

49. Deny that the allegations in paragraph 49 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

50. Deny that the allegations in paragraph 50 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

51. Deny that the allegations in paragraph 51 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

52. Deny that the allegations in paragraph 52 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein except admit that in or about August 2009, Forde was indicted by the United States.

53. Deny the allegations in paragraph 53 of the Complaint and respectfully refer all



questions of fact to the trier of fact and all questions of law to the Court.

54. Deny that the allegations in paragraph 54 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

55. Deny that the allegations in paragraph 55 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

56. Deny that the allegations in paragraph 56 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

57. Deny that the allegations in paragraph 57 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

58. Deny the allegations in paragraph 58 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

59. Deny the allegations in paragraph 59 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

60. Deny the allegations in paragraph 60 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

61. Deny the allegations in paragraph 61 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

62. Deny the allegations in paragraph 62 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

63. Deny the allegations in paragraph 63 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

64. Deny the allegations in paragraph 64 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

65. Deny the allegations in paragraph 65 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

66. Deny that the allegations in paragraph 66 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

67. Deny that the allegations in paragraph 67 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

68. Admit the allegations contained in paragraph 68 of the Complaint.

69. Deny that the allegations in paragraph 69 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

70. Deny that the allegations in paragraph 70 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

71. Deny that the allegations in paragraph 71 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

72. Deny that the allegations in paragraph 72 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

73. Deny that the allegations in paragraph 73 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

74. Deny that the allegations in paragraph 74 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

75. Deny that the allegations in paragraph 75 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

76. Deny that the allegations in paragraph 76 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

77. Deny that the allegations in paragraph 77 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

78. Deny that the allegations in paragraph 78 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

79. Deny that the allegations in paragraph 79 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

80. Deny that the allegations in paragraph 80 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

81. Deny that the allegations in paragraph 81 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

82. Deny that the allegations in paragraph 82 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

83. Deny that the allegations in paragraph 83 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

84. Deny that the allegations in paragraph 84 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

85. Deny that the allegations in paragraph 85 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

86. Deny that the allegations in paragraph 86 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

87. Deny that the allegations in paragraph 87 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

88. Deny that the allegations in paragraph 88 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

89. Deny that the allegations in paragraph 89 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

90. Deny that the allegations in paragraph 90 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

91. Deny that the allegations in paragraph 91 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

92. Deny that the allegations in paragraph 92 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

93. Deny that the allegations in paragraph 93 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

94. Deny that the allegations in paragraph 94 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

95. Deny that the allegations in paragraph 95 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

96. Deny that the allegations in paragraph 96 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

97. Deny that the allegations in paragraph 97 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

98. Deny that the allegations in paragraph 98 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

99. Deny that the allegations in paragraph 99 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

100. Deny that the allegations in paragraph 100 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

101. Deny that the allegations in paragraph 101 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

102. Deny that the allegations in paragraph 102 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

103. Deny that the allegations in paragraph 103 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

104. Deny that the allegations in paragraph 104 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

105. Deny that the allegations in paragraph 105 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

106. Deny that the allegations in paragraph 106 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

107. Deny that the allegations in paragraph 107 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

108. Deny that the allegations in paragraph 108 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

109. Deny that the allegations in paragraph 108 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

110. Deny that the allegations in paragraph 110 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

111. Deny that the allegations in paragraph 111 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

112. Deny that the allegations in paragraph 112 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

113. Deny that the allegations in paragraph 113 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

114. Deny that the allegations in paragraph 114 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

115. Deny that the allegations in paragraph 115 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

116. Deny that the allegations in paragraph 116 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

117. Deny that the allegations in paragraph 117 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

118. Deny that the allegations in paragraph 118 of the Complaint constitute a proper



pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

119. Deny that the allegations in paragraph 119 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

120. Deny that the allegations in paragraph 120 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

121. Deny that the allegations in paragraph 121 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

122. Deny that the allegations in paragraph 122 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

123. Deny that the allegations in paragraph 123 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

124. Deny that the allegations in paragraph 124 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

125. Deny that the allegations in paragraph 125 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

126. Deny that the allegations in paragraph 126 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

127. Deny that the allegations in paragraph 127 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

128. Deny that the allegations in paragraph 128 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

129. Deny that the allegations in paragraph 129 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

130. Deny that the allegations in paragraph 130 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

131. Deny that the allegations in paragraph 131 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

132. Deny that the allegations in paragraph 132 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

133. Deny that the allegations in paragraph 133 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

134. Deny that the allegations in paragraph 134 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

135. Deny that the allegations in paragraph 135 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

136. Deny that the allegations in paragraph 136 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

137. Deny that the allegations in paragraph 137 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

138. Deny that the allegations in paragraph 138 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admit that Forde was a trustee of the Funds.

139. Deny that the allegations in paragraph 139 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

140. Deny that the allegations in paragraph 140 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

141. Deny that the allegations in paragraph 141 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

142. Deny that the allegations in paragraph 142 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

143. Deny that the allegations in paragraph 143 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

144. Deny that the allegations in paragraph 144 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

145. Deny that the allegations in paragraph 145 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

146. Deny that the allegations in paragraph 146 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

147. Deny that the allegations in paragraph 147 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

148. Deny that the allegations in paragraph 148 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

149. Defendant repeats his answers to paragraphs 1 through 148 of the Complaint with the same force and effect as if more fully set forth herein.

150. Deny that the allegations in paragraph 150 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

151. Deny that the allegations in paragraph 151 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

152. Deny that the allegations in paragraph 152 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

153. Deny that the allegations in paragraph 153 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

154. Deny that the allegations in paragraph 154 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

155. Deny that the allegations in paragraph 155 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

156. Deny that the allegations in paragraph 156 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein.

157. Deny that the allegations in paragraph 157 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

158. Deny that the allegations in paragraph 158 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

159. Deny that the allegations in paragraph 159 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

160. Deny that the allegations in paragraph 160 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

161. Deny that the allegations in paragraph 161 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

162. Deny that the allegations in paragraph 162 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

163. Deny that the allegations in paragraph 163 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

164. Deny that the allegations in paragraph 164 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

165. Defendant repeats his answers to paragraphs 1 through 164 of the Complaint with the same force and effect as if more fully set forth herein.

166. Deny that the allegations in paragraph 166 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

167. Deny that the allegations in paragraph 167 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

168. Deny that the allegations in paragraph 168 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

169. Deny that the allegations in paragraph 169 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

170. Deny that the allegations in paragraph 170 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

171. Deny that the allegations in paragraph 171 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

172. Deny that the allegations in paragraph 172 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

173. Deny that the allegations in paragraph 173 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

174. Deny that the allegations in paragraph 174 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

175. Deny that the allegations in paragraph 175 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

176. Deny that the allegations in paragraph 176 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

177. Defendant repeats his answers to paragraphs 1 through 176 of the Complaint with the same force and effect as if more fully set forth herein.

178. Deny that the allegations in paragraph 178 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

179. Deny that the allegations in paragraph 179 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

180. Deny that the allegations in paragraph 180 of the Complaint constitute a proper



pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

181. Deny that the allegations in paragraph 181 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

182. Deny that the allegations in paragraph 182 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

183. Defendant repeats his answers to paragraphs 1 through 182 of the Complaint with the same force and effect as if more fully set forth herein.

184. Deny that the allegations in paragraph 184 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein and respectfully refer all questions of law to the Court.

185. Deny that the allegations in paragraph 185 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

186. Deny that the allegations in paragraph 186 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

187. Deny the allegations in paragraph 187 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

188. Deny the allegations in paragraph 188 of the Complaint and respectfully refer all questions of fact to the trier of fact and all questions of law to the Court.

189. Defendant repeats his answers to paragraphs 1 through 182 of the Complaint with the same force and effect as if more fully set forth herein.

190. Deny that the allegations in paragraph 190 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

191. Deny that the allegations in paragraph 191 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

192. Deny that the allegations in paragraph 192 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

193. Deny that the allegations in paragraph 193 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

194. Deny that the allegations in paragraph 194 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

195. Defendant repeats his answers to paragraphs 1 through 194 of the Complaint with the same force and effect as if more fully set forth herein.

196. Deny that the allegations in paragraph 196 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge

or information sufficient to form a belief as to the truth of the allegations therein and respectfully refer all questions of law to the Court.

197. Deny that the allegations in paragraph 197 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

198. Deny that the allegations in paragraph 198 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

199. Deny that the allegations in paragraph 199 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

200. Deny that the allegations in paragraph 200 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

\_\_\_\_\_201. Defendant repeats his answers to paragraphs 1 through 200 of the Complaint with the same force and effect as if more fully set forth herein.

202. Deny that the allegations in paragraph 202 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

203. Deny that the allegations in paragraph 203 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

204. Deny that the allegations in paragraph 204 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

205. Deny that the allegations in paragraph 205 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

206. Deny that the allegations in paragraph 206 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

207. Defendant repeats his answers to paragraphs 1 through 206 of the Complaint with the same force and effect as if more fully set forth herein.

208. Deny that the allegations in paragraph 208 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

209. Deny that the allegations in paragraph 209 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

210. Deny that the allegations in paragraph 210 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

211. Deny that the allegations in paragraph 211 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

212. Deny that the allegations in paragraph 212 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

213. Deny that the allegations in paragraph 213 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

214. Defendant repeats his answers to paragraphs 1 through 213 of the Complaint with the same force and effect as if more fully set forth herein.

215. Deny that the allegations in paragraph 215 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

216. Deny that the allegations in paragraph 216 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

217. Deny that the allegations in paragraph 217 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

218. Deny that the allegations in paragraph 218 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

219. Deny that the allegations in paragraph 219 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

220. Deny that the allegations in paragraph 220 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

221. Defendant repeats his answers to paragraphs 1 through 220 of the Complaint with the same force and effect as if more fully set forth herein.

222. Deny that the allegations in paragraph 222 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

223. Deny that the allegations in paragraph 223 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

224. Deny that the allegations in paragraph 224 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

225. Deny that the allegations in paragraph 225 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

226. Deny that the allegations in paragraph 226 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

227. Deny that the allegations in paragraph 227 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

228. Defendant repeats his answers to paragraphs 1 through 227 of the Complaint with the same force and effect as if more fully set forth herein.

229. Deny that the allegations in paragraph 229 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

230. Deny that the allegations in paragraph 230 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

231. Deny that the allegations in paragraph 231 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

232. Deny that the allegations in paragraph 232 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

233. Deny that the allegations in paragraph 233 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

234. Deny that the allegations in paragraph 234 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

235. Defendant repeats his answers to paragraphs 1 through 234 of the Complaint with the same force and effect as if more fully set forth herein.

236. Deny that the allegations in paragraph 236 of the Complaint constitute a proper

pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

237. Deny that the allegations in paragraph 237 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

238. Deny that the allegations in paragraph 238 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

239. Deny that the allegations in paragraph 239 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

240. Deny that the allegations in paragraph 240 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

241. Deny that the allegations in paragraph 241 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

242. Defendant repeats his answers to paragraphs 1 through 241 of the Complaint with the same force and effect as if more fully set forth herein.

243. Deny that the allegations in paragraph 243 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

244. Deny that the allegations in paragraph 244 of the Complaint constitute a proper



pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

245. Deny that the allegations in paragraph 245 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

246. Deny that the allegations in paragraph 246 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

247. Deny that the allegations in paragraph 247 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

248. Deny that the allegations in paragraph 248 of the Complaint constitute a proper pleading to which a response is required and to the extent a response is required, deny knowledge or information sufficient to form a belief as to the truth of the allegations therein.

249. Defendant denies that the Plaintiffs are entitled to any of the relief sought in the “WHEREFORE” clause following paragraph 248 of the Complaint.

250. Deny each and every allegation of the Complaint not specifically admitted to herein and deny that the Plaintiffs are entitled to relief of any kind.

### **DEFENSES**

\_\_\_\_\_As and for his defenses, Defendant Forde states as follows:

### **FIRST DEFENSE**

\_\_\_\_\_The Complaint is barred in whole or in part because it fails to state a claim upon which relief can be granted.

**SECOND DEFENSE**

The Complaint is barred in whole or in part by the Union's grievance procedure, including arbitration, mandated by the applicable collective bargaining agreements.

**THIRD DEFENSE**

\_\_\_\_\_ The Complaint is barred in whole or in part by the doctrine of economic duress.

**FOURTH DEFENSE**

The Complaint is barred in whole or in part by the doctrine of estoppel.

**FIFTH DEFENSE**

Plaintiffs have failed to mitigate their damages, if any.

**SIXTH DEFENSE**

The Complaint is barred in whole or in part by the Statute of Limitations.

**SEVENTH DEFENSE**

The Complaint is barred in whole or in part because of the Judgment and Order of Restitution entered against Michael Forde in United States v. Michael Forde, 08 Cr. 828-01 (U.S.D.C./S.D.N.Y.).

**EIGHTH DEFENSE**

The Complaints is barred in whole or in part by ERISA § 206(d)(4) and 29 USC § 1106(d)(4) which permits offset by criminal or civil judgment or settlement agreement but not by a combination thereof.

**NINTH DEFENSE**

The State law claims are preempted by ERISA § 514(a) and 29 USC § 1144(a).

**TENTH DEFENSE**

The Complaint is barred in whole or in part by accord and satisfaction.

**ELEVENTH DEFENSE**

The Complaint is barred in whole or in part by *res judicata*.

**TWELFTH DEFENSE**

The Complaint is barred in whole or in part by Plaintiffs' failure to join necessary parties.

Defendant reserves the right to raise additional affirmative and other defenses that may subsequently become or may appear applicable to some or all of Plaintiffs' claims.

Defendant demands a trial by jury of all claims pursuant to Fed. R. Civ. Pro. 38.

WHEREFORE, Defendant denies each and every allegation of Plaintiffs' First Amended Complaint, except as expressly admitted or qualified above. Judgment should be entered on Plaintiffs' First Amended Complaint in favor of Defendant, and Plaintiffs' First Amended Complaint should be dismissed with prejudice and Plaintiffs should be required to pay the costs of this action, as well as attorneys' fees, incurred by Defendant in defending against Plaintiffs' claims, and such other relief as the Court may deem just and proper.

Dated: New York, New York  
February 6, 2012

LOMBARDI & SALERNO PLLC

By: /s/ Dino J. Lombardi  
Dino J. Lombardi (DL 2848)

52 Duane Street, 7<sup>th</sup> Floor  
New York, New York 10007  
*Attorneys for Defendant*  
*Michael Forde*